

CLARA R. SMIT, ESQ.  
ATTORNEY AT LAW  
100 HORIZON CENTER BOULEVARD  
HAMILTON, NJ 08691  
(732) 843-6600  
ATTORNEY FOR THE PLAINTIFF

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

-----  
J.C.,

**Plaintiff**

v.

ROWAN UNIVERSITY SCHOOL OF  
OSTEOPATHIC MEDICINE and  
ROWAN UNIVERSITY,

**Defendants**  
-----

**CIVIL ACTION NO.:**

1:17-cv-02778-RBK-KMW

**CERTIFICATION OF  
JO ANNE SIMON**

Jo Anne Simon, of full age, hereby certifies as follows:

1. I am an attorney admitted to practice in the states of New York and New Jersey, and my firm, Jo Anne Simon P.C., and Clara Smit, Esq., represent the above-named plaintiff, "J.C."
2. Attached as Exhibit 1 is a true and correct copy of a December 14, 2013 letter from Jeffrey Tokazewski, M.D. requesting that Defendants accommodate J.C.'s disabilities.
3. Attached as Exhibit 2 is a true and correct copy of a December 19, 2013 letter from Jeffrey Tokazewski M.D., requesting that Defendants accommodate J.C.'s disabilities.

4. Attached as Exhibit 3 is a true and correct copy of a January 7, 2014 email exchange between J.C. and Defendants, wherein J.C.'s missed examinations and his medical treatment are discussed.
5. Attached as Exhibit 4 is a true and correct copy of a January 8, 2014 email exchange between J.C. and Defendants, wherein J.C. provides a detailed update on the treatment of his disabilities.
6. Attached as Exhibit 5 is a true and correct copy of a January 9, 2014 email exchange between J.C. and Defendants, wherein J.C. provides a detailed update on the treatment of his disabilities.
7. Attached as Exhibit 6 is a true and correct copy of a January 23, 2014 email exchange between J.C. and Defendants, wherein J.C. provides a detailed update on the treatment of his disabilities and references his request to take make up examinations.
8. Attached as Exhibit 7 is a true and correct copy of a January 27, 2014 email exchange between J.C. and Defendants, wherein Defendants inform J.C. of his approved schedule and accommodations for his OMM examination.
9. Attached as Exhibit 8 is a true and correct copy of a January 28, 2014 email exchange between J.C. and Defendants, wherein Defendants inform J.C. of his approved

schedule and accommodations for his OMS II Gastroenterology Exam.

10. Attached as Exhibit 9 is a true and correct copy of a November 20, 2014 email exchange between J.C. and Defendants, wherein J.C. requests an accommodation in the form of a modification of the format of a required COMLEX preparation course due to medical necessity.
11. Attached as Exhibit 10 is a true and correct copy of a November 21, 2014 email exchange between J.C. and Defendants, wherein Defendants deny J.C.'s request for an accommodation in the form of a modification of the format of a required COMLEX preparation course.
12. Attached as Exhibit 11 is a true and correct copy of a December 1, 2014 letter from Jeffrey Tokazewski, M.D. recommending that J.C. be permitted to take the COMLEX preparation course online.
13. Attached as Exhibit 12 is a true and correct copy of a December 8, 2014 email exchange between J.C. and Defendants, wherein Defendants agree to grant J.C.'s request for a "reasonable accommodation" for the COMLEX preparation course.
14. Attached as Exhibit 13 is a true and correct copy of a March 23, 2015 letter from Defendants to J.C. informing J.C. that he would be taken off of rotations until he

completed another COMLEX review course and advising him to "meet with a test anxiety specialist to assist you with the academic/psychological issues."

15. Attached as Exhibit 14 is a true and correct copy of an April 27, 2015 letter from Defendants to J.C. stating that it discussed J.C.'s request for accommodation (in the form of a longer review course and extension to take the COMLEX) and voted to deny his request.
16. Attached as Exhibit 15 is a true and correct copy of an April 27, 2015 email exchange between J.C. and Defendants, wherein J.C. seeks reconsideration of Defendants' denial of his request for a longer review course and time extension to take the COMLEX. Attachments to this email include, but are not limited to, a letter from one of J.C.'s clinicians, Howard B. Siegel, Ph.D., and documentation from Kaplan detailing the review course he requested.
17. Attached as Exhibit 16 is a true and correct copy of an April 28, 2015 email exchange between J.C. and Defendants, wherein Defendants acknowledge receipt of the documentation that J.C. submitted on April 27, 2015.
18. Attached as Exhibit 17 is a true and correct copy of a July 15, 2015 email exchange between J.C. and Defendants, wherein Defendants deny J.C.'s doctor-recommended request for accommodations (in the form of an extended review

course and extension to take the COMLEX), while simultaneously advising him "to optimize your health with your physicians to ensure your ability to complete the exam."

19. Attached as Exhibit 18 is a true and correct copy of an August 18, 2015 email from the National Board of Osteopathic Medical Examiners to J.C., advising J.C. to consider requesting disability accommodations for his next COMLEX attempt.
20. Attached as Exhibit 19 is a true and correct copy of an August 20, 2015 email from J.C. to Defendants, wherein J.C. requests a medical leave of absence effective 08/20/2015 through 10/01/2015.
21. Attached as Exhibit 20 is a true and correct copy of an August 21, 2015 letter from Defendants to J.C., informing J.C. that he must appear for a dismissal hearing because he had not yet completed RowanSOM's requirement to pass the COMLEX Level 1 exam by a certain date and that his failure to do so would extend his academic program beyond five years.
22. Attached as Exhibit 21 is a true and correct copy of an August 24, 2015 email exchange between J.C. and Defendants.
23. Attached as Exhibit 22 is a true and correct copy of an August 24, 2015 email exchange between J.C. and Defendants,

wherein JC reiterates his request for a medical leave of absence. Attachments to this email include letters of support from Howard B. Siegel, Ph.D., Abby Kurien, M.D., and Tanuj Bhatnagar, M.D.

24. Attached as Exhibit 23 is a true and correct copy of a September 21, 2015 letter from Defendants to J.C. informing him that he was being recommended for dismissal and that this decision could be appealed to the Dean.
25. Attached as Exhibit 24 is a true and correct copy of selected excerpts of the Rowan University School of Osteopathic Medicine Education Handbook (Revised November 2014).
26. Attached as Exhibit 25 is a true and correct copy of letters and emails from Jo Anne Simon P.C. to Defendants' counsel, Monica Sabnis, Esq.

I certify that upon information and belief the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Jo Anne Simon

Jo Anne Simon

Dated: August 7, 2017